

1 GENERAL GOVERNMENT CABINET

2 Board of Dentistry

3 (New Administrative Regulation)

4 201 KAR 8:560. Licensure of dental hygienists.

5 RELATES TO: KRS 214.615, 2010 Ky. Acts ch. 85, sec. 5, 2010 Ky. Acts ch. 85, sec. 7, 2010 Ky. Acts
6 ch. 85, sec. 10, 2010 Ky. Acts ch. 85, sec. 13, 2010 Ky. Acts ch. 85, sec. 17, 2010 Ky. Acts ch. 85, sec.
7 22

8 STATUTORY AUTHORITY: KRS 214.615(2), 2010 Ky. Acts ch. 85, sec. 3(1)(a)-(c), 2010 Ky. Acts
9 ch. 85, sec. 7(1), (2), and (7), 2010 Ky. Acts ch. 85, sec. 22(8)

10 NECESSITY, FUNCTION, AND CONFORMITY: 2010 Ky. Acts ch. 85, sec. 7 requires the board to
11 promulgate administrative regulations relating to requirements and procedures for the licensure of dental
12 hygienists. This administrative regulation establishes those requirements and procedures.

13 Section 1. General Licensure Requirements. An applicant desiring licensure in the Commonwealth shall
14 at a minimum:

15 (1) Understand, read, speak, and write the English language with a comprehension and
16 performance level equal to at least the ninth grade of education, otherwise known as Level 4,
17 verified by testing as necessary;

18 (2) Submit a completed and signed "Application for Dental Hygiene Licensure";

19 (3) Pay the fee required by 201 KAR 8:520;

20 (4) Not be currently subject to disciplinary action pursuant to KRS Chapter 313 which would
21 prevent licensure;

- (5) Provide proof of completion of the requirements of KRS 214.615(1);
- (6) Complete and pass the board's jurisprudence exam;
- (7) Provide proof of having current certification in cardiopulmonary resuscitation (CPR) which meets or exceeds the guidelines set forth by the American Heart Association;
- (8) Submit to a criminal background check from the Administrative Office of the Courts in Kentucky, from the state or states of residence for the last five (5) years, or by fingerprint;
- (9) Provide verification within three (3) months of the date the application is received at the office of the board of any license to practice dentistry held previously or currently in any state or jurisdiction;
- (10) Provide proof that the applicant is a graduate of a Commission on Dental Accreditation (CODA) accredited dental hygiene school or college or dental hygiene department of a university;
- (11) Provide proof that the applicant has successfully completed the National Board Dental Hygiene Examination, which is written and theoretical, conducted by the Joint Commission on National Dental Examinations; and
- (12) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

Section 2. Requirements for Licensure by Examination.

- (1) Each individual desiring initial licensure as a dental hygienist by examination shall complete all of the requirements listed in Section 1 of this administrative regulation.
- (2) Each individual desiring initial licensure as a dental hygienist by examination shall successfully complete a clinical examination within the five (5) years preceding the filing of his application.

(a) Prior to July 15, 2015, the board shall accept the following regional clinical examinations:

1. The examination of the Council of Interstate Testing Agencies (CITA);
2. The examination of the Central Regional Dental Testing Service (CRDTS);
3. The examination of the North East Regional Board of Dental Examiners (NERB);
4. The examination of the Southern Regional Testing Agency (SRTA); or
5. The examination of the Western Regional Examining Board (WREB).

(b) After July 15, 2015, the board shall only accept a nationalized clinical examination.

(3) An individual desiring initial licensure as a dental hygienist by examination more than two (2) years after fulfilling all of the requirements of his CODA accredited dental hygiene education shall:

(a) Hold a license to practice dental hygiene in good standing in another state or territory of the United States or the District of Columbia; or

(b) If the applicant does not hold a license to practice dental hygiene in good standing, complete a board approved refresher course prior to receiving a license to practice dental hygiene in the Commonwealth of Kentucky.

(4) An applicant who has taken a clinical examination three (3) times and failed to achieve a passing score shall not be allowed to sit for the examination again until the applicant has completed and passed a remediation plan prescribed by the board.

Section 3. Requirements for Licensure by Credentials. Each individual desiring initial licensure as a dental hygienist by credentials shall:

- (1) Complete all of the requirements listed in Section 1 of this administrative regulation;
- (2) Provide proof of having passed a state, regional, or national clinical examination used to determine clinical competency in a state or territory of the United States or the District of

1 Columbia; and

2 (3) Provide proof that, for five (5) of the six (6) years immediately preceding the filing of the
3 application, the applicant has been engaged in the active practice of dental hygiene when he or
4 she was legally authorized to practice dental hygiene in a state or territory of the United States or
5 the District of Columbia if the qualifications for the authorization were equal to or higher than
6 those of the Commonwealth of Kentucky.

7 Section 4. Requirements for Charitable Limited Licensure.

8 (1) Each individual desiring a charitable limited license shall:

9 (a) Understand, read, speak, and write the English language with a comprehension and
10 performance level equal to at least the ninth grade of education, otherwise known as Level 4,
11 verified by testing as necessary;

12 (b) Submit a completed and signed "Application for Charitable Dental Hygiene Licensure";

13 (c) Not be subject to disciplinary action pursuant to KRS Chapter 313 which would prevent
14 licensure;

15 (d) Have a license to practice dental hygiene in good standing in another state; and

16 (e) Provide a written explanation for any positive returns on a query of the National Practitioner
17 Data Bank.

18 (2) Individuals licensed under this section shall:

19 (a) Work only with charitable entities registered with the Cabinet for Health and Family Services
20 which have met requirements of 2010 Ky. Acts ch. 85, sec. 22 and 201 KAR 8:580;

21 (b) Only perform procedures allowed by 2010 Ky. Acts ch. 85, sec. 22, which shall be completed
22 within the duration of the charitable event;

23 (c) Be eligible for the provisions of medical malpractice insurance procured under KRS 304.40-

075;

(d) Perform these duties without expectation of compensation or charge to the individual, and without payment or reimbursement by any governmental agency or insurer; and

(e) Have a charitable limited license which will be good for two (2) years and expire during the regular dental hygiene renewal cycle.

Section 5. Minimum Continuing Education Requirements.

(1) Each individual desiring renewal of an active dental hygiene license shall complete thirty (30) hours of continuing education which relates to or advances the practice of dental hygiene and would be useful to the licensee in his practice.

(2) Acceptable continuing education hours shall include course content designed to increase:

(a) Competency in treating patients who are medically compromised or who experience medical emergencies during the course of dental hygiene treatment;

(b) Knowledge of pharmaceutical products and the protocol of the proper use of medications;

(c) Awareness of currently accepted methods of infection control;

(d) Knowledge of basic medical and scientific subjects including, but not limited to, biology, physiology, pathology, biochemistry, pharmacology, epidemiology, and public health;

(e) Knowledge of clinical and technological subjects including, but not limited to, clinical techniques and procedures, materials, and equipment;

(f) Knowledge of subjects pertinent to patient management, safety, and oral healthcare;

(g) Competency in assisting in mass casualty or mass immunization situations;

(h) Clinical skills through the volunteer of clinical charitable dental hygiene which meets the requirements of 2010 Ky. Acts ch. 85, sec. 22;

(i) Knowledge of office business operations and best practices; or

1 (j) Participation in dental or dental hygiene association or society business meetings.

2 (3) A minimum of ten (10) hours shall be taken in a live interactive presentation format.

3 (4) A maximum of ten (10) hours total may be taken which meet the requirements of Section
4 5(2)(g)-(j) of this administrative regulation.

5 (5) All continuing education hours shall be verified by the receipt of a certificate of completion
6 or certificate of attendance bearing:

7 (a) The signature of the provider;

8 (b) The name of the licensee in attendance;

9 (c) The title of the course or meeting attended or completed;

10 (d) The date of attendance or completion;

11 (e) The number of hours earned; and

12 (f) Evidence of the method of delivery if the course was taken in a live interactive presentation
13 format.

14 (6) It shall be the sole responsibility of the individual dental hygienist to obtain documentation
15 from the provider or sponsoring organization verifying participation as outlined in Section 5(5)
16 and to retain the documentation for a minimum of five (5) years.

17 (7) At the time of license renewal, each licensee shall attest to the fact that he or she has
18 complied with the requirements of this section.

19 (8) Each licensee shall be subject to audit of proof of continuing education compliance by the
20 board.

21 Section 6. Requirements for Renewal of a Dental Hygiene License.

22 (1) Each individual desiring renewal of an active dental hygiene license shall:

23 (a) Submit a completed and signed "Application for Renewal of Dental Hygiene Licensure";

1 (b) Pay the fee required by 201 KAR 8:520;

2 (c) Maintain with no more than a thirty (30) day lapse CPR certification which meets or exceeds
3 the guidelines set forth by the American Heart Association unless a hardship waiver is submitted
4 to and subsequently approved by the board;

5 (d) Meet the requirements of KRS 214.615(1) regarding HIV/AIDS education of healthcare
6 providers; and

7 (e) Meet the continuing education requirements as outlined in Section 5 of this administrative
8 regulation except in the following cases:

9 1. If a hardship waiver has been submitted to and is subsequently approved by the board;

10 2. If the licensee graduated in the first year of the renewal biennium, in which case the licensee
11 shall complete one-half of the hours as outlined in Section 5 of this administrative regulation;
12 and

13 3. If the licensee graduated in the second year of the renewal biennium, in which case the
14 licensee shall not be required to complete the continuing education requirements outlined in
15 Section 5 of this administrative regulation.

16 (2) If a licensee has not actively practiced dental hygiene in the two (2) consecutive years
17 preceding the filing of the renewal application, he or she shall complete and pass a board
18 approved refresher course prior to resuming the active practice of dental hygiene.

19 Section 7. Retirement of a License.

20 (1) Each individual desiring retirement of a dental hygiene license shall submit a completed and
21 signed "Retirement of License Form".

22 (2) Upon receipt of this form, the board will send written confirmation of retirement to the last
23 known address of the licensee.

(3) No individual may retire a license that has pending disciplinary action against it.

(4) Each retirement shall be effective upon the processing of the completed and signed

“Retirement of License Form” by the board.

Section 8. Reinstatement of a License.

(1) Each individual desiring reinstatement of a properly retired dental hygiene license shall:

(a) Submit a signed and completed “Application to Reinstate a Dental Hygiene License”;

(b) Pay the fee required by 201 KAR 8:520;

(c) Show proof of having current certification in CPR which meets or exceeds the guidelines set forth by the American Heart Association;

(d) Provide verification within three (3) months of the date the application is received at the office of the board of any license to practice dentistry held previously or currently in any state or jurisdiction;

(e) Submit to a criminal background check from the Administrative Office of the Courts in

Kentucky, from the state or states of residence for the last five (5) years, or by fingerprint; and

(f) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

(2) If an individual is reinstating a license that was retired within the two (2) consecutive years immediately preceding the filing of the reinstatement application, the individual shall provide proof of having met the continuing education requirements as outlined in Section 5 of this administrative regulation within those two (2) years.

(3) If the applicant has not actively practiced dental hygiene in the two (2) consecutive years immediately preceding the filing of the reinstatement application, the applicant shall complete and pass a refresher course approved by the board.

(4) If a license is reinstated in the first year of a renewal biennium, the licensee shall complete all of the continuing education requirements as outlined in Section 5 of this administrative regulation prior to the renewal of his license.

(5) If a license is reinstated in the second year of a renewal biennium, the licensee shall complete one-half of the hours as outlined in Section 5 of this administrative regulation prior to the renewal of his license.

Section 9. Requirements for Verification of Licensure. Each individual desiring verification of a dental hygiene license shall:

(1) Submit a signed and completed "Verification of Licensure or Registration Form"; and

(2) Pay the fee required by 201 KAR 8:520.

Section 10. Requesting a Duplicate License. Each individual desiring a duplicate dental hygiene license shall:

(1) Submit a signed and completed "Duplicate License or Registration Request Form"; and

(2) Pay the fee required by 201 KAR 8:520.

Section 11. Requirements for Local Anesthesia Registration.

(1) An individual who has completed a course of study in dental hygiene at a board-approved CODA accredited institution on or after July 15, 2010, which meets or exceeds the education requirements as set forth in 2010 Ky. Acts ch. 85, sec. 10(10) shall be granted the authority to practice local anesthesia upon the issuance by the board of a dental hygiene license.

(2) An individual licensed as a hygienist in Kentucky and not subject to disciplinary action who desires to administer local anesthesia and does not qualify to do so under Section 12(1) of this administrative regulation shall complete a training and education course as described in 2010 Ky. Acts ch. 85, sec. 10(10).

(3) The training and education course shall be offered by one of the following institutions in Kentucky:

- (a) University of Louisville School of Dentistry;
- (b) University of Kentucky College of Dentistry;
- (c) Western Kentucky University Dental Hygiene Program;
- (d) Lexington Community College Dental Hygiene Program; and
- (e) Kentucky Community Technical College System Dental Hygiene Programs.

(3) Training received outside of Kentucky shall be from a CODA accredited dental or dental hygiene school and shall meet the requirements established in 2010 Ky. Acts ch. 85, sec. 10(10).

(4) Once the required training is complete the applicant shall:

- (a) Complete the “Dental Hygiene Local Anesthesia Registration Application”; and
- (b) Pay the fee required by 201 KAR 8:520.

(5) Individuals authorized to practice under this provision shall receive a license from the board indicating registration to administer local anesthesia.

(6) A licensed dental hygienist shall not administer local anesthesia if the licensee does not hold a local anesthesia registration issued by the board.

(7) Any licensed dental hygienist holding a local anesthesia registration from the board who has not administered block anesthesia, infiltration anesthesia, or nitrous oxide analgesia for one (1) year shall complete a board approved refresher course prior to resuming practice of that specific technique.

Section 12. Requirements for General Supervision Registration.

(1) An individual licensed as a hygienist in Kentucky and not subject to disciplinary action who desires to practice under general supervision shall:

- 1 (a) Complete the “General Supervision Registration Application”;
- 2 (b) Meet the requirements of 2010 Ky. Acts ch. 85, sec. 7(7)(a);
- 3 (c) Document through payroll records, employment records, or other proof that is independently
- 4 verifiable the dates and hours of employment by a dentist in the practice of dental hygiene which
- 5 demonstrate the required two (2) years and 3,000 hours of experience;
- 6 (d) Successfully complete a live three (3) hour course approved by the board in the identification
- 7 and prevention of potential medical emergencies which shall include, at a minimum, the
- 8 following topics:
- 9 1. Medical history, including American Society of Anesthesiologists (ASA) classifications of
- 10 physical status;
- 11 2. Recognition of common medical emergency situations, symptoms and possible outcomes;
- 12 3. Office emergency protocols; and
- 13 4. Prevention of emergency situations during dental treatments.
- 14 (2) Individuals authorized to practice under these provisions shall receive a license from the
- 15 board indicating registration to practice under general supervision.
- 16 (3) A dentist who employs a dental hygienist who has met the standards of this administrative
- 17 regulation and who allows the dental hygienist to provide dental hygiene services pursuant to
- 18 2010 Ky. Acts ch. 85, sec. 7(7) shall complete a written order prescribing the dental service or
- 19 procedure to be done to a specific patient by the dental hygienist retain the original order in the
- 20 patient's dental record.
- 21 (4) The minimum requirements for the written order shall include:
- 22 (a) Medical history update;
- 23 (b) Radiographic records requested;

1 (c) Dental hygiene procedures requested;

2 (d) Name of the patient;

3 (e) Date of last oral examination;

4 (f) Date of the written order; and

5 (g) Signature of the dentist.

6 (5) The oral examination of the patient by the supervising dentist shall have been completed
7 within the seven (7) months preceeding treatment by the dental hygienist practicing under
8 general supervision.

9 (6) The supervising dentist shall evaluate and provide to the board written validation of an
10 employed dental hygienist's skills necessary to perform dental hygiene services under 2010 Ky.
11 Acts ch. 85, sec. 7(7) as part of the "General Supervision Registration Application".

12 (7) The supervising dentist shall provide a written protocol addressing the medically
13 compromised patients who may or may not be treated by the dental hygienist. The dental
14 hygienist shall only treat patients who are in the ASA Patient Physical Status Classification of
15 ASA I or ASA II as listed in "Guidelines for Teaching Pain Control and Sedation to Dentists and
16 Dental Students", 2007 Edition, American Dental Association.

17 (8) A licensed dental hygienist shall not practice under general supervision if the licensee does
18 not hold a general supervision registration issued by the board.

19 Section 13. Requirements for Starting Intravenous Access Lines.

20 (1) An individual licensed as a dental hygienist in Kentucky and not subject to disciplinary
21 action under KRS Chapter 313 who desires to start intravenous (IV) access lines while under the
22 direct supervision of a dentist who holds a sedation or anesthesia permit issued by the board
23 shall:

- (a) Submit a signed and completed "Application for Intravenous Access Line Registration";
 - (b) Pay the fee required by 201 KAR 8:520;
 - (c) Submit documentation proving successful completion of a board-approved course in starting IV access lines.
- (2) Individuals authorized to practice under this provision shall receive a license from the board indicating registration to start IV access lines.
- (3) A licensed dental hygienist shall not start IV access lines if the licensee does not hold a registration to start IV access lines issued by the board.

Section 14. Requirements for Performing Laser Debridement.

- (1) An individual licensed as a dental hygienist in Kentucky and not subject to disciplinary action under KRS Chapter 313 who desires to perform laser debridement while under the direct supervision of a dentist licensed by the board shall:
- (a) Submit a signed and completed "Application for Laser Debridement Registration";
 - (b) Pay the fee required by 201 KAR 8:520;
 - (c) Submit documentation proving successful completion of a board-approved course in performing laser debridement.
- (2) Individuals authorized to practice under this provision shall receive a license from the board indicating registration to perform laser debridement.
- (3) A licensed dental hygienist shall not perform laser debridement if the licensee does not hold a registration to do so issued by the board.

Section 15. Issuance of Initial Licensure. If an applicant has completed the requirements for licensure the board shall:

- (1) Issue a license in sequential numerical order; or

(2) Deny licensure due to a violation of KRS Chapter 313 or the administrative regulations promulgated thereunder.

Section 16. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) “Application for Dental Hygiene Licensure”, July 2010;
- (b) “Application for Charitable Dental Hygiene Licensure”, July 2010;
- (c) “Application for Renewal of Dental Hygiene Licensure”, July 2010;
- (d) “Retirement of License Form”, July 2010;
- (e) “Application to Reinstate a Dental Hygiene License”, July 2010;
- (f) “Verification of Licensure or Registration Form”, July 2010;
- (g) “Duplicate License or Registration Request Form”, July 2010;
- (h) “Dental Hygiene Local Anesthesia Registration Application”, July 2010;
- (i) “General Supervision Registration Application”, July 2010;
- (j) “Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students”, 2007 Edition;
- (k) “Application for Intravenous Access Line Registration”, July 2010; and
- (l) “Application for Laser Debridement Registration”, July 2010.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky, 40222, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the board’s Web site at <http://dentistry.ky.gov>.

DR. WILLIAM P. BOGGESS, DMD, Board President

July 10, 2010

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Tuesday, August 31, 2010, at 9:00 a.m. at the office of the Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, KY 40222. Individuals interested in being heard at this hearing shall notify this agency in writing no later than August 24, 2010, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until August 31, 2010.

Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact person: Brian K. Bishop, Executive Director, Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, KY, 40222. Phone (502) 429-7280, fax (502) 429-7282, email briank.bishop@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation #: **201 KAR 8:560. Licensure of dental hygienists.**
Contact Person: Brian K. Bishop, Executive Director
Board of Dentistry

(1) Provide a brief summary of:

(a) What this administrative regulation does: **This administrative regulation establishes requirements and procedures for the licensure of dental hygienist as mandated by 2010 Ky. Acts ch. 85, sec. 7. This administrative regulation also establishes the requirements for the administration of local anesthesia by a licensed dental hygienist as required in 2010 Ky. Acts ch. 85 sec. 10.**

(b) The necessity of this administrative regulation: **This administrative regulation is necessary to implement the requirements and procedures for the licensure of dental hygienist as mandated by 2010 Ky. Acts ch. 85, sec. 7 and establishes the requirements for the administration of local anesthesia by a licensed dental hygienist as required in 2010 Ky. Acts ch. 85 sec. 10.**

(c) How this administrative regulation conforms to the content of the authorizing statute: **This administrative regulation is necessary to implement 2010 Ky. Acts ch. 85, sec. 7 and 10, which requires the board to promulgate administrative regulations regarding the requirements the licensure of dental hygienist and the requirements for the administration of local anesthesia.**

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: **This administrative regulation is necessary to implement 2010 Ky. Acts ch. 85, sec. 7 and 10, which requires the board to promulgate administrative regulations regarding the requirements the licensure of dental hygienist and the requirements for the administration of local anesthesia.**

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: **N/A**

(b) The necessity of the amendment to this administrative regulation: **N/A**

(c) How the amendment conforms to the content of the authorizing statute: **N/A**

(d) How the amendment will assist in the effective administration of the statutes: **N/A**

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: **This administrative regulation will affect the 2402 dental hygienist currently licensed by the board as well as any new dental hygienist licensed by the board in the future. Additionally, the Kentucky Board of Dentistry will be affected by this administrative regulation.**

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: **There are no new actions for licensees to take in order to comply with this administrative regulation. The Kentucky Board of Dentistry is charged by 2010 Ky. Acts ch. 85 to regulate the practice of dentistry in the Commonwealth.**

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): **the fees established in 201 KAR 8:520 E are:**

(1) The initial licensure fee for a dental hygiene license applied for in a non-renewal year shall be \$125.

(2) The initial licensure fee for a dental hygiene license applied for in a renewal year shall be seventy-five (75) dollars.

(3) The renewal fee for a dental hygiene license appropriately renewed on or before the expiration of the license shall be \$110.

(4) The renewal reinstatement fee for a dental hygiene license renewed between January 1 and January 15 of the year following the expiration of the license shall be \$130 in addition to the renewal fee.

(5) The renewal reinstatement fee for a dental hygiene license renewed between January 16 and January 31 of the year following the expiration of the license shall be \$260 in addition to the renewal fee.

(6) The renewal reinstatement fee for a dental hygiene license renewed on or after February 1 of the year following the expiration of the license shall be \$520 in addition to the renewal fee.

(7) The initial dental hygiene anesthesia registration fee shall be fifty (50) dollars.

(8) The initial dental hygiene general supervision registration fee shall be fifty (50) dollars.

(9) The initial dental hygiene intravenous access line registration fee shall be fifty (50) dollars.

(10) The initial dental hygiene laser debridement registration fee shall be fifty (50) dollars.

(11) The fee for reinstatement of a properly retired dental hygiene license shall be \$125.

The Board is a self funded agency who's budget was approved in HB 1 of the 2010 Extraordinary Session of the General Assembly. HB 1 provided for FY 2010 – 2011 an allotment of \$705,400 and for FY 2011 – 2012 and allotment of \$714,000.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): **Licensees who are in compliance will have the legal ability to practice dental hygiene in the Commonwealth of Kentucky. Kentucky Board of Dentistry is the regulatory agency and accrues no benefits from the regulations but rather provides enforcement of the chapter and processes for it licensees to legally practice dentistry in the Commonwealth.**

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation: **The Board is a self funded agency whose budget was approved in HB 1 of the 2010 Extraordinary Session of the General Assembly. HB 1 provided for FY 2010 – 2011 an allotment of \$705,400 and for FY 2011 – 2012 and allotment of \$714,000. The Kentucky Board of**

Dentistry receives no monies from the General Fund.

(a) Initially: **No additional costs are expected.**

(b) On a continuing basis: **No additional costs are expected.**

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: **The implementation and enforcement of this regulation are fully funded by licensing fees paid by dental hygienist as part of compliance with this regulation.**

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: **The fees found in 201 KAR 8:520E make the agency financially solvent.**

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: **This administrative regulation does not establish fees or directly or indirectly increase any fees.**

(9) TIERING: Is tiering applied? **Tiering is applied in as much as the dental hygienist wishes to undertake additional responsibilities allowed under the authority of the dentist for which he works. This administrative regulation establishes additional requirements for individual wishing to practice under the general supervision of the dentist, use lasers for debridement, or establish inter venous access on patients.**

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 201 KAR 8:560.

Contact Person: Brian K. Bishop, Executive Director,
Board of Dentistry

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes X No

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Kentucky Board of Dentistry is the only state government entity which will be impacted by this regulation.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

2010 Ky. Acts ch. 85

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

There will be no new net fiscal affect on the Kentucky Board of Dentistry as the agency is a fully self funded agency and receives no general fund dollars.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

Compliance with this regulation will provide the agency with enough money to meets its budgetary obligations as set forth in HB1 of the 2010 Extraordinary Session of the General Assembly.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

Compliance with this regulation will provide the agency with enough money to meets its budgetary obligations as set forth in HB1 of the 2010 Extraordinary Session of the General Assembly.

(c) How much will it cost to administer this program for the first year?

FY 2010 – 2011 as allocated in HB 1 from the 2010 Extraordinary Session of the General Assembly is \$705,400

(d) How much will it cost to administer this program for subsequent years?

FY 2011 – 2012 as allocated in HB 1 from the 2010 Extraordinary Session of the General Assembly is \$714,000

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

- (1) The “Application for Dental Hygiene Licensure” is the 2 page application form that individuals are required to file in order to be licensed to practice dental hygiene in the Commonwealth of Kentucky. 2010 Ky. Acts ch. 85, sec. 7 requires the board to define requirements for licensure.
- (2) The “Application for Charitable Dental Hygiene Licensure” is the 2 page application form that individuals who hold a license to practice dental hygiene in another state are required to file in order to be licensed to practice charitable dental hygiene in the Commonwealth of Kentucky. 2010 Ky. Acts ch. 85, sec. 7 requires the board to define requirements for licensure.
- (3) The “Application for Renewal of Dental Hygiene Licensure” is the 2 page application form that licensees are required to file in order to renew an active license to practice dentistry in the Commonwealth of Kentucky. 2010 Ky. Acts ch. 85, sec. 7 requires the board to organize renewal programs for dental hygienists.
- (4) “Retirement of License Form” is the 1 page form that licensees are required to file in order to retire an active license in good standing in the Commonwealth of Kentucky. 2010 Ky. Acts ch. 85, sec. 7 requires the board to define programs for the retirement of a license.
- (5) The “Application to Reinstate a Dental Hygiene License” is the 2 page form that licensees are required to file in order to reinstate a license to practice dental hygiene in the Commonwealth of Kentucky which has been properly retired. 2010 Ky. Acts ch. 85, sec. 7 requires the board to define programs for the reinstatement of a license.
- (6) The “Verification of Licensure or Registration Form” is the 1 page form that individuals are required to file in order to request an official verification of licensure in the Commonwealth of Kentucky. 2010 Ky. Acts ch. 85, sec. 7 requires the board to define processes related to the licensure of dental hygienists.
- (7) The “Duplicate License or Registration Form” is the 1 page form that individuals are required to file in order to request a duplicate copy of an active dental hygiene license issued by the board. 2010 Ky. Acts ch. 85, sec. 7 requires the board to define processes related to the licensure of dental hygienists.
- (8) The “Dental Hygiene Local Anesthesia Registration Application” is a 1 page form that licensed dental hygienists are required to file in order to be registered with the board to perform local anesthesia. 2010 Ky. Acts ch. 85, sec. 7 requires the board to define local anesthesia registration requirements.
- (9) The “General Supervision Registration Application” is a 2 page form that licensed dental hygienists are required to file in order to be registered with the board to practice under general supervision. 2010 Ky. Acts ch. 85, sec. 7 requires the board to define general supervision registration requirements.
- (10) The “Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students” is a 17 page document published by the American Dental Association to provide standard nationwide guidelines regarding the teaching of pain control and sedation in dentistry. 2010 Ky. Acts ch. 85, sec. 7 requires the board to develop general supervision guidelines.

(11) The “Application for Intravenous Access Line Registration” is a 1 page form that licensed dental hygienists are required to file in order to be registered with the board to start intravenous access lines. 2010 Ky. Acts ch. 85, sec. 7 requires the board to define requirements for registration.

(12) The “Application for Laser Debridement Registration” is a 1 page form that licensed dental hygienists are required to file in order to be registered with the board to practice laser debridement. 2010 Ky. Acts ch. 85, sec. 7 requires the board to define requirements for registration.